

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ANGEL GARCIA-ESPARZA,

Plaintiff,

v.

No. 18-cv-0078 MV/SMV

**CITY OF AZTEC, SAN JUAN COUNTY,
JOE GONZALES, TY ATENCIO,
WILLIAM ANDERSON, FNU HARVEL,
FNU WEBB, FNU DOUGEANT,
DESIREE LNU, and TERESA LNU,**

Defendants.

**MEMORANDUM OPINION AND ORDER
DENYING PLAINTIFF’S MOTION TO USE “POTENTIAL” LAW LIBRARY**

THIS MATTER is before the Court on Plaintiff’s Motion to use Law Library [Doc. 6], docketed on February 6, 2018. Plaintiff appears to be a pre-trial detainee, held at the San Juan County Detention Center. [Doc. 1]. The entirety of his motion reads: “As there is a potential local law library[,] can the Court order San Juan County Detention Center and/or San Juan County to allow me to use it in this case while I continue pro se?” [Doc. 6] at 1.

There is no freestanding right to visit a law library. *Lewis v. Casey*, 518 U.S. 343, 351 (1996). There is no requirement that pretrial detainees have access to a law library if other available means of access to the courts exist. *Love v. Summit Cty.*, 776 F.2d 908, 913–14 (10th Cir. 1985). To state a claim for denial of access to the courts, an inmate must show that he was “frustrated or impeded in his efforts to pursue a nonfrivolous legal claim concerning his conviction or his conditions of confinement.” *Gee v. Pacheco*, 627 F.3d 1178, 1191 (10th Cir. 2010).

Here, Plaintiff asks the Court to order that he be permitted to access a “potential local law library.” [Doc. 6] at 1. He does not allege that he has requested and been denied access to a law library. More importantly, he does not allege an actual injury resulting from denial of access to a law library. *See* [Doc. 6]. Plaintiff has failed to show that he is entitled to the relief requested.

IT IS THEREFORE ORDERED that Plaintiff’s Motion to use Law Library [Doc. 4] is **DENIED** at this time.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge